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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,077	07/27/2001	Kevin D. Pollok	D-43379-01	9080

7590 09/23/2005
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EXAMINER

BUI, LUAN KIM

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,077

Applicant(s)

POLLOK ET AL.

Examiner

Luan K. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-17 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/15/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Prosecution Application

1. The Request for Continued Examination (RCE) filed on 8/15/2005 under 37 CFR 1.114 based on parent Application No. 09/917,077 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 12-14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Oberle (4,855,183). Oberle discloses a cook-in bag formed from a multilayer film comprising a bag formed from multilayer structure having inner layers A/B/C/D and an outer layer/patch (E) adhered to layer D by an adhesive layer C (column 10, lines 45 through column 14). The inner layers are considered equivalent to the bag as claimed and the outer layer is considered equivalent to the patch as claimed. Oberle further discloses the bag is capable of withstanding a temperature of 70-100 degree Celsius for up to about 12 hours and any heat sealed seams should resist being pulled apart during cook-in (column 1, lines 30-35). Therefore, the heat seal of the bag of Oberle is inherently capable of withstanding temperature of at least 70 degree Celsius for a period of at least 4 hours and the adhesive layer (C) is inherently capable of maintaining

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adhesion of the patch (E) to the bag at a temperature of at least 60 degree Celsius for a period of at least 4 hours or 10 hours as claimed.

As to claim 16, Oberle discloses the film comprises a shrink capacity of about 55% at 185 degree Fahrenheit which is considered equivalent to the bag is made from a film having a total free shrink of at least 10 percent at 185 degree Fahrenheit and the patch is made from a heat shrinkable film having a total free shrink of at least 10 percent at 185 degree Fahrenheit (column 12, lines 5-9).

As to claim 17, Oberle discloses the bag has a seal layer formed from polyamide.

4. Claims 12-14, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramesh (6,346,285). Ramesh discloses a cook-in bag formed from a multilayer film comprising a bag formed from multilayer structure having inner layers (12, 14, 16, 20) and an outer layer/patch (18) adhered to layer 20 by an adhesive layer (column 6, lines 23-32). The inner layers are considered equivalent to the bag as claimed and the outer layer is considered equivalent to the patch as claimed. Ramesh further discloses the bag is capable of withstanding a temperature of 57-121 degree Celsius for 2-12 hours (column 5, line 37-42) and the materials of the film maintain seal integrity. Therefore, the heat seal of the bag of Ramesh is inherently capable of withstanding temperature of at least 70 degree Celsius for a period of at least 4 hours and the adhesive layer is inherently capable of maintaining adhesion of the patch (18) to the bag at a temperature of at least 60 degree Celsius for a period of at least 4 hours or 10 hours as claimed.

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As to claim 16, Ramesh discloses the film comprises a heat shrinkability of about 20-50% at 185 degree Fahrenheit which is considered equivalent to the bag is made from a film having a total free shrink of at least 10 percent at 185 degree Fahrenheit and the patch is made from a heat shrinkable film having a total free shrink of at least 10 percent at 185 degree Fahrenheit (column 5, lines 55-59).

As to claim 17, Ramesh discloses the bag has a seal layer formed from polyamide.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Oberle (4,855,183) or Ramesh (6,346,285) in view of The European Publication No. 0,622,437 to Sasano et al. (hereinafter Sasano'437). Oberle or Ramesh discloses the bag as above having all the limitation of the claim except for the adhesive comprises polyurethane. Sasano'437 teaches a polyurethane adhesive composition for laminating multiplayer composite films at a high temperature of at least 135 degree Celsius and the films have been developed for use as packaging materials for foods since the polyurethane adhesive is excellent in adhesive properties, acid resistance and hot water resistance. It would have been obvious to one having ordinary skill in the art in view of Sasano'437 to modify the adhesive of Oberle or Ramesh so the adhesive comprises polyurethane for better the bag from being pulled apart during cook-in.

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7. Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Oberle (4,855,183) or Ramesh (6,346,285) in view of Brady et al. (5,545,419; hereinafter Brady'419). Oberle or Ramesh discloses the bag as above having all the limitations of the claims except for the seal being through the bag and not through the patch. Brady'419 shows in the embodiment of Figures 14-15, a bag having a seal (230, 232) through the bag and not through the patch or the seal through both the bag and the patch (Figure 16). It would have been obvious to one having ordinary skill in the art in view of Brady'419 to modify the bag of either Oberle or Ramesh so the seal is through the bag and not through the patch to reduce and the cost of manufacture.

As to claim 20, Brady'419 shows the seal through the bag and the patch (Figure 16).

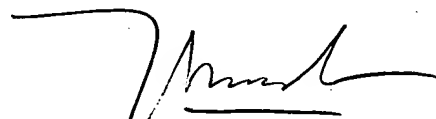
As to claim 21, Brady'419 shows the bag is an end-seal bag and the patch overhangs both side edges of the bag (Figure 12).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Errica Miller at (571) 272-4370.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (571) 273-8300 for Formal papers and After Final communications.

lkb
September 22, 2005



Luan K. Bui
Primary Examiner